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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 Sandra Tocci, as Special Administrator
7 and Personal Representative of the Estate
8 of Frank Tocci, deceased; and Sandra
9 Tocci as Heir and Mother of Frank E.
10 Tocci, deceased,

11 Plaintiffs,

12 v.

13 CoreCivic, Inc. f/k/a Corrections Corporation
14 of America; Brian Koehn, Warden, Nevada
15 Southern Detention Center,

16 Defendants.

Case No. 2:22-cv-02174-GMN-DJA

Order

17 Before the Court is the parties' stipulated discovery plan and scheduling order. (ECF No.
18 24). The parties request that the Court bifurcate fact and expert discovery deadlines and stagger
19 expert disclosure deadlines. However, because the discovery plan contains certain deficiencies,
20 the Court denies it without prejudice.

21 First, the parties seek to conclude expert discovery after fact discovery, a bifurcated
22 process not provided in Local Rule 26-1(b)(1) and (3). Local Rule 26-1(b)(1) and (3) provide that
23 expert discovery should conclude before the discovery cut-off date. While the parties explain that
24 they wish to "have a full disclosure of the type of opinions needed[] prior to retaining their
25 experts," this explanation is insufficient to support bifurcating discovery. Complications can
26 occur when discovery disputes regarding experts—particularly those requiring a re-opening of
27 discovery—occur after the close of discovery. And the parties do not explain why they will be
28 unable to determine the topics of expert opinions through other discovery methods before the
typical expert discovery cutoff. Given the problems that bifurcating discovery can cause, the
Court is not inclined to grant a request to bifurcate absent robust explanation.

1 Second, the Court does not take issue with the parties' request to stagger expert discovery
2 so that Plaintiffs disclose initial experts first. But the parties' proposal does not account for
3 rebuttal expert disclosures under Local Rule 26-1(b)(3). In their amended discovery plan, the
4 parties must address rebuttal experts.

5 Finally, the parties provide that, "[b]efore moving for an order relating to discovery, the
6 movant must request a conference with the assigned magistrate judge." (ECF No. 24 at 2). Local
7 Rule 26-1(c) provides that the "discovery plan *may* direct" this conference. (emphasis added).
8 However, the undersigned magistrate judge does not hold pre-motion conferences absent special
9 circumstances. The parties are thus directed to remove this language from their amended
10 discovery plan. If the parties believe that any discovery motion requires a pre-motion conference,
11 they may move separately for that relief.

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13 **IT IS THEREFORE ORDERED** that the parties' stipulated discovery plan (ECF No.
14 24) is **denied without prejudice**.

15 **IT IS FURTHER ORDERED** that the parties shall file an amended stipulated discovery
16 plan in compliance with this order on or before **June 7, 2023**.

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18 DATED: May 17, 2023

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21 DANIEL J. ALBRECHTS
22 UNITED STATES MAGISTRATE JUDGE
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